

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 18947 of 2003

Between:

Shaik Hussain Saheb s/o Late Madina
R/o 20-164., Kanithi (RHC)., Vadlapudi., P.O.,Gajuwaka (MO).,
Visakhapatnam.

..... PETITIONER

AND

- 1 The Principal and Asst.Apprentice Advisor., RIC Centre., Kakinada., East Godavari District.
- 2 The Registrar, c/o Dy.Director., (APP)., Regional Office: Dept.of Employment and Training, Kakinada., East Godavari District.
- 3 The Director., Dept.of Employment and Training., Sri Burgula Ramakrishna Rao Bhavan., Tank Bund Road., Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or Orders more particularly one in the nature of Writ of Mandamus declaring the action of Respondent No.1 not allowing the petitioner to write or to appear for the All India Trade Test (Apprentice) for the current Academic year of 2003 is illegal, arbitrary, unconstitutional and against the principles of natural justice, consequently direct the 1st respondent to receive the application of the petitioner by allowing him to write the All India Trade Test (Apprenticeship) Examination which was conducted by the 1st respondent.

Counsel for the Petitioner: MR.KARRI SURYANARAYANA

Counsel for the Respondents: GP FOR LABOUR

The Court made the following :

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ORAL ORDER:

The petitioner seeks a writ of Mandamus declaring the action of the 1st respondent in not allowing the petitioner to write or appear for the All India Trade Test (Apprentice) for the Academic year 2003 as illegal and arbitrary and to direct the 1st respondent to receive the application of the petitioner by allowing him to write the All India Trade Test (Apprentice) which was conducted by the 1st respondent.

It is stated that the petitioner appeared for All India Trade Test (Apprentice) in the months of December, 1998, May, 1999, December, 1999, May, 2000, November, 2000 and May, 2001 but failed every time. The conduct of All India Trade Test (Apprentice) is governed by the Director General of Employment and Training, New Delhi under Apprenticeship Act, 1961. As per the said regulation, a candidate is entitled to be permitted to the All India Trade Test (Apprentice) only for six times within a period of three years including the first trade test (irrespective of Attendance/Absence) after completion of the apprenticeship training and he will not be allowed to appear for any subsequent trade test.

It is stated that the petitioner appeared six times within a period of three years but he failed in every test. As the petitioner availed himself of all the opportunities of appearing the test, he is not entitled to write the test after May, 2001 and therefore, he was not allowed to write the examination or appear for the All India Trade Test

(Apprentice) for the academic year, 2003.

Having regard to the facts and circumstances of the case, I am of the view that the petitioner is not entitled to any relief of directing the respondents to allow him to appear for the All India Trade Test (Apprentice) for the current academic year 2004. I do not see any merit in this writ petition.

For the aforesaid reasons, the writ petition is dismissed. No costs.

(V.ESWARAIAH,J.)

17th August, 2004

bcj/tjs

To

- 1 The Principal and Asst.Apprentice Advisor., RIC Centre., Kakinada., East Godavari District.
- 2 The Registrar, c/o Dy.Director., (APP)., Regional Office: Dept.of Employment and Training, Kakinada., East Godavari District.
- 3 The Director., Dept.of Employment and Training., Sri Burgula Ramakrishna Rao Bhavan.,
Tank Bund Road., Hyderabad.
- 4 Two C.Cs. to the Government Pleader for Labour, HighCourt Buildings, Hyderabad (OUT).
- 5 Two C.D. copies.

